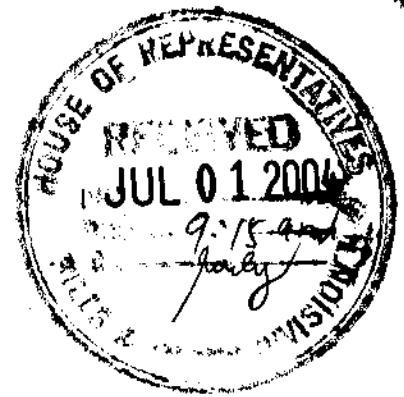


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 46

Introduced by: **HON. EMILIO C. MACIAS II**

EXPLANATORY NOTE

This bill seeks to abolish the imposition of death penalty in the Philippines.

The Philippines, being predominantly a Christian country, should set the example and be the first one to respect the sanctity of life. After all, the majority of the civilized nations have adopted the view that the State possesses no right to take away life. It is also necessary to consider that there are cases where death convicts were later found to be innocent. These cases happened and may still happen because some of the accused cannot afford to hire the services of a competent lawyer who can defend and prove their innocence in court because of poverty. The harshness of the penalty therefore may not spare even the life of the innocents. The countless people, who are wielding authority and influence in the government must think that criminals are not born. They are made by society. Since society, in some measure, is responsible for the criminal's misfortune, it is therefore, unfair that society itself will exact his life.

It is noteworthy that governments after governments in Western Europe abolished the death penalty even for serious offenses. France, for example, abolished the death penalty in the 1980's and retired its two (2) guillotines after 189 years of usage.

The imposition of death penalty can be traced to the ancient principle of *lex taliones*, which derived from the Mosaic Law. This principle assumed that crime can be discouraged by harsh punishment embodied in the tradition of retribution or "*an eye for an eye, a tooth for a tooth*". Scientific evidence however, shows that death penalty has not been instrumental in preventing crime. In fact, in the Philippines, the number of death row inmates continues to grow despite the execution of several death convicts already. Even then President Estrada, a staunch advocate of death penalty, in a surprising turn-around last year, not only commuted the death sentences of 105 convicts but also urged Congress to repeal the death penalty law. Likewise, President Macapagal-Arroyo declared a moratorium on the execution of death convicts making the death penalty law a useless or dead law. These political developments therefore, call for the abolition of death penalty.

It is noteworthy to cite the view advanced by a famous English Philosopher of the 17th Century, Jeremy Bentham, the founder of the Utilitarianism Theory, who said:

"Punishment by death cannot be converted into profit: It offers no compensation to the injured party. It even destroys the possibility of it. The offenders by his labour might repair in some measures the mischief he has done. His death makes no reparation to anyone."

Former Attorney General Ramsey Clark of the United States stamped his disapproval of death penalty by echoing the view adopted by Bentham. Attorney General Clark, in his own words, said:

"Our emotions cry for vengeance in the wake of a horrible crime, but we know that killing the criminal cannot undo the crime, will not prevent similar crimes by others, does not benefit the victim, destroys human life and brutalizes society. If we are to still violence, we must cherish life."

In view of the foregoing reasons, the approval of this bill is earnestly sought.



EMILIO C. MACIAS II M.D.
Representative
Second District, Negros Oriental

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 46

Introduced by: **HON. EMILIO C. MACIAS II**

AN ACT
ABOLISHING THE DEATH PENALTY REPEALING FOR THE PURPOSE
REPUBLIC ACT No. 7659 ENTITLED, "AN ACT TO IMPOSE THE DEATH
PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THE
PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL
PENAL LAWS, AND FOR OTHER PURPOSES"

*Be it enacted by the Senate and the House of Representatives
of the Philippines in Congress assembled:*

SECTION 1. The death penalty is hereby abolished.

Any death penalty already imposed shall be reduced to *reclusion perpetua*.

SEC. 2. Republic Act No. 7659, as amended, and all other laws inconsistent with this Act are hereby repealed.

SEC. 3. This Act shall take effect upon its approval.

Approved,